



PUBLIC NOTICE

Federal Communications Commission
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DA 05-2938

Released: November 7, 2005

**DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL
OF OXFORD JUNCTION, IOWA EXCHANGE FROM IOWA
TELECOMMUNICATIONS SERVICES, INC. TO LOST NATION – ELWOOD
TELEPHONE COMPANY**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 05-307

**LOST NATION – ELWOOD TELEPHONE COMPANY AND IOWA
TELECOMMUNICATIONS SERVICES, INC. D/B/A IOWA TELECOM SEEK
WAIVER OF THE STUDY AREA BOUNDARY FREEZE AS CODIFIED IN PART 36
AND WAIVER OF SECTION 69.3(e)(11) OF THE COMMISSION'S RULES**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Comments Due: November 21, 2005

Reply Comments Due: November 28, 2005

On October 21, 2005, Iowa Telecommunications Services, Inc. ("Iowa Telecom") and Lost Nation – Elwood Telephone Company ("Lost Nation") (collectively, the "Applicants"), filed an application, pursuant to section 63.04 of the Commission's rules, seeking approval to transfer control of the Oxford Junction, Iowa exchange from Iowa Telecom to Lost Nation.¹ Applicants have also filed a joint petition for waiver of the study area boundary freeze as codified in the Appendix-Glossary of Part 36 of the Commission's rules.² Lost Nation also seeks a waiver of section 69.3(e)(11) of the Commission's rules regarding participation in the National Exchange Carrier Association ("NECA") carrier common line tariff.³

¹ 47 C.F.R. § 63.04; *see* 47 U.S.C. § 214.

² 47 C.F.R. § 36, App. (defining "study area").

³ 47 C.F.R. § 69.3(e)(11).

Transfer of Control Application: Although the proposed transaction involves only the transfer of the local exchange assets of an incumbent local exchange carrier by means other than an acquisition of corporate control, this application is not subject to streamlined treatment.⁴ In this instance, non-streamlined treatment is appropriate because the Applicants have filed associated waiver requests that are not likely to be resolved in the 31-day period provided for approval under the Commission's streamlining rules.

Iowa Telecom, an Iowa corporation, is an independent incumbent local exchange carrier (LEC) that provides local exchange and exchange access services, and dial-up and high-speed Internet services to residential and business customers in approximately 294 exchanges widely distributed throughout the State of Iowa, comprising a total of approximately 249,000 access lines. Iowa Telecom's competitive LEC affiliate, Iowa Telecom Communications, Inc., provides local exchange and exchange access service and dial-up and high-speed Internet services to residential and business customers in 18 exchanges widely distributed throughout the State of Iowa, comprising a total of approximately 17,400 access lines. The following entity owns a ten percent or greater interest in Iowa Telecom: Pine Island Capital Corporation, a U.S. entity, (12.91%). Iowa Network Services, Inc., a U.S. entity, wholly owns Pine Island Capital Corporation. No other person or entity directly or indirectly owns ten percent or more of Iowa Telecom.

Lost Nation, an Iowa corporation, is an independent LEC that provides telephone service to 664 residential and business access lines in the Lost Nation, Iowa exchange. Lost Nation also provides service, including broadband access, as a competitive LEC throughout the Oxford Junction exchange to 379 residential and business access lines. No person or entity directly or indirectly owns ten percent or more of Lost Nation.

On September 2, 2005, the Applicants entered into an Asset Purchase Agreement ("Agreement") where Iowa Telecom agreed to transfer its customer base and assets in the Oxford Junction exchange to Lost Nation. After consummation of the Agreement, Lost Nation will continue to offer the services currently offered to Iowa Telecom customers in the Oxford Junction exchange, and additionally plans to offer dial-up and DSL-based Internet access to those customers.

Applicants state that the proposed transaction is in the public interest because Lost Nation will continue to offer the services currently offered to Iowa Telecom customers in the Oxford Junction exchange. Moreover, Applicants state that Lost Nation will benefit from new economies of scale and administratively simpler operations as a result of the transaction. Applicants further argue that Iowa Telecom's telecommunication services would be strengthened through subtraction, permitting Iowa Telecom to focus greater resources on its remaining exchanges throughout the state, better positioning the company to modernize its network.

⁴ See 47 C.F.R. § 63.03(b)(1)(iii) (explaining that transactions involving "only the transfer of the local exchange assets of an incumbent local exchange carrier by means other than an acquisition of corporate control" are presumed to be subject to streamlined procedures).

Study Area Waiver and Part 69 Waiver: The requested study area waiver would permit Iowa Telecom to remove from its Iowa study area the Oxford Junction exchange and would permit Lost Nation to add the exchange to its existing Iowa study area. As noted above, Lost Nation currently provides service as a competitive LEC in the Oxford Junction exchange. According to its petition, Lost Nation intends to discontinue its competitive LEC operations and transfer those subscribers to its incumbent LEC operations. Lost Nation's requested waiver of section 69.3(e)(11) of the Commission's rules would permit Lost Nation to continue using NECA as its tariff pool administrator for the acquired exchange upon consummation of the transaction. Section 69.3(e)(11) states that any changes in common line tariff participation resulting from a merger or acquisition of telephone properties are to be made effective on the next annual access tariff filing effective date following consummation of the merger or acquisition transaction.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a non-streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before November 21, 2005** and **reply comments on or before November 28, 2005**.⁵ Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- **For ECFS filers,** if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this

⁵ See 47 C.F.R. § 63.52(b).

proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; email: tracey.wilson-parker@fcc.gov;
- (3) Adam Kirschenbaum, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C211, Washington, D.C. 20554; e-mail: adam.kirschenbaum@fcc.gov;

- (4) William Dever, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: william.dever@fcc.gov;
- (5) Christopher Killion, Office of General Counsel, 445 12th Street, S.W., Room 8-C740, Washington, D.C. 20554; email: ckillion@fcc.gov;
- (6) Gary Seigel, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A633, Washington, D.C. 20554; e-mail: gary.seigel@fcc.gov;
- (7) Cathy Carpino, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A441, Washington, D.C. 20554; e-mail: cathy.carpino@fcc.gov; and
- (8) Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554; e-mail: sheryl.todd@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com.

For further information regarding the Transfer of Control Application, please contact Tracey Wilson-Parker at (202) 418-1394, or Adam Kirschenbaum at (202) 418-7280. For further information regarding the Study Area Waiver and the Part 69 Waivers, please contact Gary Seigel at (202) 418-0879.

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